

SENTENCING COMMISSION MINUTES

Committee	Utah Sentencing Commission
Date	Wednesday, January 2, 2013
Time	Noon – 1:30 p.m.
Location	Utah State Capitol, Senate Caucus Room
Members Present	Judge Kevin Allen, Patrick Anderson, Paul Boyden, David Brickey, Susan Burke, Deween Durrant, Jesse Gallegos, Marlene Gonzalez, Ron Gordon, Rep. Richard Greenwood, Judge Thomas Low, Benjamin McMurray, Mark Moffat, Judge Ric Oddone, Judge Gregory Orme, Rep. Jennifer Seelig, Sy Snarr, Senator Dan Thatcher, Kirk Torgensen, Carlene Walker
Members Excused	Judge Janice Frost, Tom Patterson
Staff & Visitors	Staff: Jo Lynn Kruse, Ned Searle, Jacey Skinner, David Walsh Visitors: Greg Ferbrache, Stewart Ralphs, Rick Schwermer
Agenda Item	Welcome and Approval of Minutes
Notes	Carlene Walker called the meeting to order and welcomed everyone. Judge Oddone made the motion to approve the December minutes. Benji McMurray seconded the motion which passed unanimously . Carlene reminded everyone about the 2013 National Association of Sentencing Commissions Conference to be held August 4 – 6, in Minneapolis, MN. Please contact Jacey if you are interested in attending.
Agenda Item	Dating Violence Protective Orders (tape 03:09)
Notes	Rep. Seelig presented the latest draft for the Dating Violence Protection Act, which includes recommendations made by Sentencing Commission members at the December meeting. Discussion turned to lines 57-58 which reads “Dating Relationship” means a social relationship of a romantic or intimate nature, or one that has such a relationship as its goal, regardless of whether the relationship involves sexual intimacy. There was a suggestion to change it to read: “Dating relationship” means a social relationship which has romance or intimacy as a goal by one or more parties, regardless of whether the relationship involves sexual intimacy. Susan Burke made a motion to support the class B misdemeanor penalty on line 282. Kirk Torgensen seconded the motion which passed unanimously.
Agenda Item	Human Trafficking (tape 35:50)
Notes	Kirk Torgensen thanked Representative Seelig for caring about this issue and for wanting to do something about it. Kirk introduced Greg Ferbrache, from the Attorney General’s Office Criminal Division, to discuss draft legislation with proposed amendments to 63M-7-510. Shared Hope International (SHI) works to eradicate sex trading through prevention, restoration, and legislative action. SHI gave Utah an initial assessment of our statute. They indicated the intent is to better prosecute commercial sex acts with a minor, create access for minor victims to justice, and insure that Utah children are not left vulnerable. Greg reviewed all the changes and additions to the statute. No motions were made. The Commission provided suggestions and feedback regarding the legislation.
Agenda Item	Expungement Process Amendments (tape 58:32)
Notes	Representative Greenwood discussed draft legislation, Expungement of Records, which clarifies technical corrections regarding the number of convictions necessary to be eligible for expungement and clarifies how the number of class A and B misdemeanors necessary to make a person ineligible for expungement is taken into consideration. The Commission likes the concept of the bill. Rep. Greenwood asked that if any of the Commission have suggestions to please forward them to Jacey. Paul Boyden made a motion to support the bill in concept. Mark Moffat seconded the motion which passed unanimously .
Agenda Item	Custody of Juveniles Charged as Adults Working Group Update (tape 1:10)
Notes	Two meetings ago the Commission created a working group to look at the issues of how we deal with juveniles who are transferred into the adult system and how we deal with their sentencing. We put together a great ad-hoc working group. Jacey thanked those on the working group for their help and participation. The working group concluded that it is premature to talk about how we sentence juveniles in the adult system if we don’t think that we have the right juveniles going into the adult system to begin with. Instead, we should focus on the Serious Youth Offender (SYO) statute to make sure that the juveniles that we are transferring into the adult system are the juveniles that we intended to transfer to the adult system, but we intend to be sentenced as adults. We looked at that statute at length and have some recommendations. The statute was intended to deal with youth who commit the most serious crimes and who have exhausted the juvenile system. But the law does not permit any distinctions to be drawn for first-time or other offenders who might be better helped in the juvenile court

	<p>system. The goal is to ensure that the juveniles being transferred to the adult system are the juveniles intended to go there.</p> <p>Judge Oddone made the motion to approve the draft in concept. Jesse Gallegos seconded the motion which passed unanimously.</p>
Agenda Item	Executive Committee Legislative Session
Notes	<p>Every year the executive committee meets on Mondays during the legislative session to discuss bills pertinent to criminal justice issues. Carlene Walker, Paul Boyden and Patrick Anderson represented the Sentencing Commission last year. Carlene proposed the same persons to represent the Commission this year. Judge Orme made the motion to continue with those three to attend the meetings. Judge Oddone seconded the motion which passed unanimously.</p>
Next Meeting	<p>The next meeting will be the <i>Annual Meeting</i> on April 3, 2013, Utah State Capitol Bldg, <i>Senate Caucus Room</i></p> <p>Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ</p>